United Nations A/HRC/27/41

General Assembly

Distr.: General
24 July 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Technical assistance and capacity-building options for integrating human rights into national policies

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 23/19, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on technical assistance and capacity-building options for integrating human rights into national policies, drawing from worldwide best practices in that field.

The report contains information on worldwide practices undertaken by States, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in developing and applying suitable methodologies to integrate human rights into national policies and programmes, in accordance with their own particular needs and priorities.

It is based on research undertaken by OHCHR on national and regional experiences in integrating human rights into public policies and programmes, taking into account national legislative frameworks and regional and international human rights instruments.

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Contents

		Paragraphs	*Page*
I.	Introduction and methodology	1–7	3
II.	Framework for technical cooperation	8–19	3
III.	National and regional experiences in integrating human rights into public policies and programmes	20–97	5
	A. Compliance of State entities and domestic laws, policies and programmes with international human rights standards	20–33	5
	B. Ratification of international and regional human rights instruments and review of reservations	34–44	7
	C. Establishment and strengthening of judicial and accountability mechanisms	45–55	10
	D. Measures to improve access to justice and basic services	56–69	12
	E. National systems, inclusive participation in decision-making and development and monitoring of public policies	70–97	14
IV.	Lessons learned, challenges and the way forward	98–101	18

I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution 23/19, in which the Council requested the Office of the High Commissioner on Human Rights (OHCHR) to prepare a report, to be submitted to it at its twenty-seventh session, on technical assistance and capacity-building options for integrating human rights into national policies, drawing from worldwide best practices in the field, with a view to supporting States in developing and applying suitable methodologies to that end, upon request and according to their own particular needs and priorities.

2. In resolution 23/19, the Council recognized that State action aimed at the full realization of human rights and fundamental freedoms at the national level was made most effective by drawing up and putting into practice national policies to protect and promote human rights in conformity with their obligations under international human rights law.

3. OHCHR cooperates with States and national stakeholders to strengthen national frameworks to promote and protect human rights. This is often done in synergy and partnership with other United Nations entities and international actors, including regional organizations, national human rights institutions, civil society and academia.

4. The present report contains a selection of practices, developed in the context of OHCHR technical cooperation programmes, that have proven effective and have yielded visible results in supporting State efforts to align national policies, strategies and laws with international human rights norms and principles, recommendations and commitments.

5. By strengthening the capacity of State institutions and officials, and bringing national systems and strategies into line with human rights standards, positive change can be achieved to ensure that all human rights are respected, protected and fulfilled.

6. The information contained in the report is based also on the experience of joint efforts under various assistance frameworks and cooperation with regional and subregional organizations, in particular support and results achieved under OHCHR technical cooperation programmes during the period from 2011 to 2014. It illustrates the types of options available to States in integrating human rights into national policies and/or in developing national policies in line with international human rights standards and their international obligations, with the support of OHCHR.

7. In the preparation of the report, information on different experiences, including methodologies used and lesson learned, was gathered from OHCHR headquarters and field presences, regional and country offices, human rights components of United Nations peace missions and human rights advisers to United Nations country teams, working closely with host governments.

II. Framework for technical cooperation

8. Technical cooperation, which refers to both technical assistance and capacity-building, is an integral part of OHCHR programmes.

9. Technical cooperation is aimed at identifying and addressing knowledge and capacity gaps by facilitating constructive dialogue and positive change with national counterparts. It is conducted by OHCHR at the request and with the agreement of States and includes a comprehensive assessment of the human rights situation in a given country, with a view to aligning laws, policies, institutions and practices with international standards and obligations.

10. Technical assistance and capacity-building complement other key OHCHR functions, as set out in General Assembly resolution 48/141.

11. OHCHR engages directly with governments and actively cooperates with all relevant national stakeholders, such as ministries, parliaments, the judiciary, transitional justice mechanisms, security institutions, statistical and information systems, mechanisms for the protection of vulnerable groups and groups that are discriminated against, national human rights institutions, development actors and civil society organizations, to support their role in drawing up and assessing the impact of national policies.

12. Policy processes should be based on a human rights-based approach which upholds the universality, inalienability, indivisibility, interdependence and interrelatedness of all human rights and ensures that decisions and objectives relating to those processes are achieved through participation and inclusion, the rule of law and accountability, non-discrimination and transparency.

13. Effective national policies based on human rights align the priorities and goals of the State with the conditions for its population to enjoy all human rights. The experience gathered over the past 20 years by OHCHR demonstrates that the active and meaningful participation of all sectors of society in debating and developing policies and programmes affecting the population is critical for the success of such processes. In that context, the aim of technical cooperation is thus also to ensure that policy processes and outcomes empower rights holders to assert and claim their rights, and to assist duty bearers in ensuring that those rights are enjoyed by all.

14. Technical cooperation is a vehicle to support States' compliance with their human rights obligations and their follow-up to recommendations made by human rights mechanisms in that regard. Technical cooperation projects are results oriented; they are designed on the basis of dialogue with all relevant stakeholders.

15. Over the years, OHCHR has been providing increasing assistance to United Nations country teams to integrate human rights into their programming strategies, including in the context of joint projects, and to promote a coordinated and coherent United Nations system-wide human rights approach to technical cooperation.

16. OHCHR also supports regional and subregional organizations in strengthening arrangements for the promotion and protection of human rights and in exchanging views on good practices and lessons learned. Such comparative processes strengthen regional cooperation and demonstrate the viability of strategies and the achievability of results.

17. Since the creation of the mandate of the High Commissioner for Human Rights, OHCHR has been working closely with States in support of their efforts to further the enjoyment of human rights for all. Examples of that work are human rights assessments; advisory services, including technical advice on institution building and strengthening legislation and policies; training of trainers; awareness initiatives; national workshops; dialogue facilitation; provision of documentation, publications and web tools; and sharing of good practices from other countries.

18. OHCHR, including through its field presences, promotes inclusive national ownership and sustainability of support efforts.

19. The Board of Trustees which oversees both the Voluntary Fund for Technical Cooperation in the Field of Human Rights and the universal periodic review (UPR) Voluntary Fund for Financial and Technical Assistance, two key financial sources of OHCHR technical assistance, advises the Office on policy and strategic orientation with

regard to technical cooperation. The Board identified several components of effective technical cooperation,[1] which have facilitated the identification of the practices highlighted in the present report. The OHCHR Performance Monitoring System, a results-based management tool, also provided information on how and how well results were reached.

III. National and regional experiences in integrating human rights into public policies and programmes

A. Compliance of State entities and domestic laws, policies and programmes with international human rights standards

Mexico: constitutional reform in the area of human rights

20. The constitutional reform adopted in Mexico in 2011 gave constitutional status to all of the human rights guaranteed in the international treaties to which Mexico is a party. The reform provided the country with a strong new legal framework, opening the way for the harmonization of national legislation and policy with international and regional standards; withdrawal of reservations and interpretative declarations; and opportunities for renewed national dialogue and coordination around human rights priorities. OHCHR supported the Government's efforts towards constitutional reform. Over several years, in the context of a technical cooperation agreement, OHCHR-Mexico supported important initiatives, including the training of judges and the provision of advice to the Supreme Court of Justice on key human rights issues; consultations and advocacy activities promoting consensus within the Federal Congress; and the participation of civil society and academia in relation to issues of common concern.

21. Once the reform was approved, OHCHR-Mexico, in collaboration with the Supreme Court of Justice, the National Human Rights Commission of the Federal District (Mexico City) and the Centro de Investigación Aplicada en Derechos Humanos supported the development of a web-based educational tool, "Reforma DH",[2] on the implementation of the constitutional reform. Reforma DH is a key methodological tool to promote the implementation of the constitutional reform at the federal and state levels. It comprises nine modules, based on the contents of article 1 of the Constitution, and an add-on module on the sources of international human rights law. The aim of Reforma DH is to assist the implementation of the reform by providing the State and representatives of civil society with the conceptual, analytical and procedural tools necessary to advance the realization of human rights.

Myanmar: adoption of the National Human Rights Commission Law

22. Established in September 2011, the Myanmar National Human Rights Commission (MNHRC) has carried out various activities to promote and protect human rights, including promoting the ratification by Myanmar of core international human rights treaties; handling more than 4,000 complaints; and raising awareness of human rights among the relevant ministries and the general public.

23. OHCHR provided support to MNHRC through activities such as seminars for government staff, parliamentarians and civil society; training for staff and commissioners;

[1] A/HRC/26/51, para. 27.

[2] "Reforma DH: recurso para la formación en derechos humanos", available from www.reformadh.org.mx.

and enabling greater engagement by MNHRC with civil society and human rights defenders. OHCHR and other stakeholders, including the Asia Pacific Forum of National Human Rights Institutions (APF), the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and international experts on national human rights institutions, consistently recommended that the Government create a legislative basis for the establishment of a national institution in compliance with the Paris Principles, the international minimum standards on national human rights institutions.

24. In 2013, in order to ensure that an independent institution to promote and protect human rights, in line with the Paris Principles, was established by law, OHCHR, APF, international experts and partners, with the active support and involvement of the senior legal adviser in the Office of the President, provided technical cooperation and advice on substantive or procedural elements of the bill, as well as encouraged participation by civil society, before and after its submission to Parliament in August 2013. The Myanmar National Human Rights Commission Law was adopted in March 2014 and promulgated by the President in April 2014.

European Union: supporting the application by European Union member States of a human rights-based approach to trafficking and border control

25. With a view to supporting European Union efforts in implementing the European Union Charter of Fundamental Rights, the OHCHR Regional Office for Europe, together with the United Nations Office on Drugs and Crime (UNODC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children Fund (UNICEF), the International Labour Organization (ILO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), provided technical support to a number of European Union entities, including the European Parliament Committee for Women's Rights and Gender Equality, in their efforts to develop a human rights-based directive on preventing and combating trafficking in human beings and protecting its victims. Adopted in 2011, the directive takes into account the contributions by United Nations entities on existing relevant international human rights standards.

26. Following the adoption of the directive, United Nations entities, including OHCHR, continued to provide practical guidance to European Union member States for the application of a human rights-based approach in the transposition of the directive into their national legislation. To that end, OHCHR and its United Nations partners prepared a joint commentary[3] on the directive in relation to existing international standards, which was launched at the European Parliament in 2012.

27. OHCHR also provided technical assistance to the European Agency for the Management of Operational Cooperation at the External Borders of Member States of the European Union (FRONTEX) in aligning its policies with the new framework. In close cooperation with the FRONTEX Training Unit and with the collaboration of the European Union Agency for Fundamental Rights, UNODC, UNHCR, UNICEF, UN-Women, the International Organization for Migration, the Organization for Security and Co-operation in Europe and others, OHCHR provided legal and methodological advice for the development of two specialized training packages for border guards, in compliance with international and regional human rights standards.

28. Multidisciplinary teams from FRONTEX, national authorities and law enforcement agencies and United Nations partners, including OHCHR, worked jointly in the context of a

[3] OHCHR, UNHCR, UNICEF, UNODC, UN-Women and ILO, *Prevent, Combat, Protect. Human Trafficking: Joint UN Commentary on the EU Directive – a Human Rights-based Approach*, November 2011.

series of technical meetings to ensure the compliance of the training materials with international standards. Technical cooperation work was successful in strengthening synergy among all partners involved.

29. In 2012 and 2013 respectively, the FRONTEX Training Unit launched two trainers' manuals, "Anti-trafficking training for border guards" and "Fundamental rights training for border guards". The two manuals support national-level training of border guards and are aimed at strengthening their practical skills in operationalizing human rights when controlling borders and combating and preventing human trafficking.

Russian Federation: human rights master's degree programme

30. As part of the OHCHR Framework for Cooperation with the Russian Federation and in the context of the second phase (2010-2014) of the World Programme for Human Rights Education, the Human Rights Adviser to the United Nations country team in the Russian Federation has been supporting the education authorities in implementing a human rights master's degree programme.

31. The programme is being implemented by a consortium of three leading universities, namely, the Peoples' Friendship University of Russia, the Russian State University for the Humanities and the Moscow State Institute for International Relations, and is supported by OHCHR, in partnership with the European Centre for Human Rights and Democratization. The consortium was recently extended to include the Kazan Federal University and the Perm State University.

32. The programme contributes to the development among young people and professionals of a culture of human rights, the rule of law and non-discrimination. It is practice oriented and interactive, and is supported by a strong international and national network of international organizations, academia, institutions and business partners.

33. OHCHR cooperates in designing modules and tools, identifying experts and lecturers and providing documentation and publications. Based on the positive experience in the Russian Federation, OHCHR has assisted with the development of human rights Master's programmes in other countries. For instance, in the Plurinational State of Bolivia, the Plurinational School of Administration launched a Master's programme to train civil servants in human rights norms on the prevention of racism and all forms of discrimination.

B. Ratification of international and regional human rights instruments and review of reservations

Lao People's Democratic Republic and Thailand: using the United Nations Development Assistance Framework for follow-up

34. With the start of the second cycle of the UPR in 2012, the OHCHR Regional Office for South-East Asia provided States in the region with support for reporting and following up on UPR recommendations.

35. In this context, OHCHR contributed to strengthening the capacity of the United Nations country teams in the Lao People's Democratic Republic and Thailand respectively, in order to support States' follow-up and reporting efforts in the context of their respective United Nations Development Assistance Framework (UNDAF). Both documents integrate a human rights-based approach and contain specific outcomes geared to assisting the countries in implementing prioritized UPR recommendations, which include mainstreaming human rights in national policies.

36. The provision of support through UNDAF furthers the strengthening of national ownership and commitment, as they are aimed at harmonizing and aligning programming priorities with national development priorities.

Haiti: the Interministerial Human Rights Committee

37. Since 2009, the Human Rights Section of the United Nations Stabilization Mission in Haiti (MINUSTAH) and the Independent Expert on the situation of human rights in Haiti have been encouraging the Government of Haiti to create a national reporting and follow-up coordination mechanism.

38. Pursuant to a decree promulgated by the Prime Minister, the Government established the permanent Interministerial Human Rights Committee (Comité interministériel des droits de la personne) (CIDP) which became operational in May 2013 and replaced the existing ad hoc mechanism. CIDP promotes the ratification of international and regional human rights instruments and the review of reservations thereto, and aims to facilitate timely reporting and improved coordination in following up on recommendations emanating from treaty bodies and other United Nations and regional human rights mechanisms. That includes prioritizing and integrating relevant recommendations with a view to proposing or amending relevant laws, policies and mechanisms to strengthen the protection of all human rights for all the population, including vulnerable groups.

39. The MINUSTAH Human Rights Section, in close collaboration with the Ministry for Human Rights and the Fight against Extreme Poverty, gave advice on the drafting of the terms of reference and the Action Plan (2013-2016) of CIDP. The Action Plan contains detailed steps towards the ratification of or accession to human rights instruments and provided support to the Government with regard to signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 16 August 2013, and acceding to the International Covenant on Economic, Social and Cultural Rights on 8 October 2013. The MINUSTAH Human Rights Section provides regular support for the operationalization of the subcommittee on the universal periodic review and for strengthening the capacity and coordination of national stakeholders in gathering information and reporting on progress made in the implementation of UPR recommendations. The Human Rights Section also provided assistance to CIDP in the development of a national human rights action plan.

Paraguay: a web tool for human rights implementation

40. In Paraguay, OHCHR has been supporting the Ministry of Foreign Affairs in seeking innovative ways to engage with human rights mechanisms since 2011. In June 2014, the Government launched the System for Monitoring Recommendations (Sistema de Monitoreo de las Recomendaciones) (SIMORE), a portal that facilitates the systematization of human rights recommendations made by the United Nations human rights mechanisms and the Organization of American States. This public tool[4] provides direct access to reliable information on the status of implementation of recommendations. By explaining by whom, for whom and how recommendations have been implemented, SIMORE strengthens the transparency and accountability of the State.

41. SIMORE is coordinated by the Human Rights Network of the executive branch of government, led by the Ministry of Foreign Affairs and the Ministry of Justice. More than 50 State officials, including the Ombudsman and the General Prosecutor, contributed

[4] SIMORE is available from www.mre.gov.py/mdhpy/buscador/home.

information on policies, programmes and indicators[5] for SIMORE technical files. SIMORE supports the daily work of the Government; the Parliamentary Human Rights Committee intends to use SIMORE to inform its agenda on progress and gaps in legislative reform. The tool is also useful for United Nations country team programming and cooperation activities. Furthermore, the portal is instrumental in strengthening the participation and contribution of non-State actors in the national reporting and monitoring process.

Morocco: the Interministerial Delegation for Human Rights

42. In 2011, with a view to having a standing mechanism aimed at facilitating both timely reporting and coordination with regard to follow-up to recommendations made by human rights bodies, the Government of Morocco established by decree the Interministerial Delegation for Human Rights (DIDH). In line with its Strategic Plan (2012-2016), DIDH is tasked with ensuring coordination between government and other relevant stakeholders, such as the National Human Rights Council and civil society; promoting engagement with the international human rights mechanisms, in line with United Nations country programmes and UNDAF; ensuring reporting deadlines are met and implementing recommendations; ensuring follow-up on the implementation of the national action plan for democracy and human rights; contributing to the integration of a human rights-based approach into national programmes and policies, including through strengthening the capacity of the national administration and other stakeholders, such as the National Human Rights Council, universities and civil society.

43. In 2013, Morocco requested OHCHR support to strengthen government capacity in engaging with international human rights mechanisms and to strengthen its national human rights system. In order to strengthen the capacity of DIHD and other key institutional partners, including Parliament, through a programme of the United Nations Development Group human rights mainstreaming mechanism, the OHCHR Regional Office for the Middle East and North Africa supported national efforts to develop awareness and educational initiatives aimed at the sharing of good practices and the development of training tools and human rights methodologies to follow up on the implementation of recommendations made by international mechanisms.

44. In June 2014, OHCHR organized a training session for trainers, targeting key national stakeholders on the development of indicators to measure compliance with international standards. An initial core group of national trainers was established to guide national partners in developing indicators in line with the country's identified priorities and with recommendations from the UPR, special procedures and treaty bodies. As a result of the training, the Government is considering drawing up a memorandum of understanding to strengthen collaboration between relevant institutions in developing and using human rights indicators.

[5] In Paraguay as well as in other countries, OHCHR supports the development of indicators in the areas of health, water and sanitation, education and fair trial. See OHCHR, *Human rights indicators: a guide to measurement and implementation*, 2012 (HR/PUB/12/5), available from www.ohchr.org/Documents/Issues/HRIndicators/AGuideMeasurementImplementationCompleteGuide_en.pdf.pdf.

C. Establishment and strengthening of judicial and accountability mechanisms

Togo: integrating a human rights-based approach to transitional justice

45. At the Government's request and within the framework of the 2006 General Peace Agreement, OHCHR supported the process that led to the creation of the Truth, Justice and Reconciliation Commission (TJRC) in February 2009. As the lead entity within the United Nations system in the area of transitional justice, OHCHR, in coordination with the United Nations Resident Coordinator, the United Nations country team, UNDP and international donors, provided advice and capacity-building support by organizing national consultations to strengthen ownership and inclusive participation in the truth, justice and reconciliation process; supporting the drafting of legal and administrative frameworks for the establishment and functioning of the TJRC, in line with international human rights standards; and providing training to TJRC officials and staff.

46. In 2012, the President of Togo officially validated the core report and recommendations of the TJRC. OHCHR, in partnership with some civil society organizations, is preparing a compendium of the TJRC recommendations for wider dissemination and advocacy outreach initiatives, including in rural and remote areas. The Office is working closely with the Ministry of Human Rights on the drafting of a white paper on the implementation of the TJRC recommendations and the establishment of a mechanism to follow up the TJRC, in line with international good practices.

Colombia: strengthening reparation and land restitution processes

47. In 2011, in order to address the need for comprehensive reparation measures for the victims of human rights violations committed in the context of the armed conflict in Colombia, the Victims and Land Restitution Law as well as decree-laws 4633, 4634 and 4635 were adopted. Within the framework of two bilateral cooperation agreements signed in 2012 with the Land Restitution Unit and the Victims Attention and Comprehensive Reparation Unit, OHCHR-Colombia supports the authorities by issuing periodic reports on the status of implementation of the laws. Government partners have underlined the relevance of the recommendations contained in those reports, which provide policy options to improve compliance with international human rights standards, particularly on reparation and restitution.

48. OHCHR technical assistance has improved institutional coordination with a view to supporting the sustainability of land restitution and the exercise of economic, social and cultural rights without discrimination for the returned communities. Between December 2011 and October 2013, 277 rulings were handed down by the tribunals. OHCHR continues to provide support to the authorities in promoting inter-institutional coordination, including at the local level, for the planning and execution of return efforts and the inclusive participation of victims in the development of public policies. A number of serious challenges remain to be addressed, such as the limited capacity to work in areas still affected by internal armed conflict, and violence against claimants and human rights defenders.

El Salvador: regional protocol for the investigation of femicide

49. Following visits by the Special Rapporteur on violence against women, its causes and consequences to El Salvador in 2009 and 2010, the OHCHR Regional Office in Central America provided technical assistance to the Government for drafting the first Comprehensive Law for a Life Free of Violence against Women. The law, which came into

force in 2011, upholds the rights of women through the prevention of and response to violence, and through victim assistance and protection, among other measures.

50. On the basis of the new Salvadoran legal framework, the Office assisted the Office of the Attorney General in the development of a national protocol for the investigation of femicide, which was incorporated into the training curriculum for prosecutors.

51. The El Salvador protocol informed the drafting of the regional protocol for the investigation of femicide, a joint initiative by OHCHR and UN-Women in the context of the Secretary-General's UNiTE to End Violence against Women campaign, with the collaboration of the Federation of associations for the protection and promotion of human rights (Spain) (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos-España) and Universidad Carlos III, Madrid, among others. The basic structure and content of the regional document were defined in the context of an international workshop at which experts discussed an OHCHR report documenting Latin American experiences, including various procedures and practices relating to the prosecution of femicide.

Tunisia: strengthening the transitional justice process

52. OHCHR, together with the United Nations country team, supported processes leading to the adoption of the new Constitution of Tunisia, which contains provisions in line with international human rights standards on national institutions and on the establishment of bodies relating to elections, justice, human rights and the media.

53. OHCHR-Tunisia has been working closely with the Government, including the Ministry of Human Rights and Transitional Justice, to support the establishment of a transitional justice mechanism in conformity with international standards. OHCHR also regularly advised key government authorities concerning advocacy initiatives and political processes relating to transitional justice, and reinforced the capacities of civil society organizations, in particular victims' groups, on those issues.

54. In cooperation with UNDP and the International Centre for Transitional Justice, the Office provided support to the Technical Committee, which comprised the Ministry of Human Rights and Transitional Justice and a wide range of representatives of civil society organizations, in organizing the national consultations leading to the drafting of a comprehensive transitional justice law.

55. In July 2013, OHCHR and UNDP supported awareness and outreach activities aimed at making transitional justice principles, processes and mechanisms better known to the public, and more specifically to victims and civil society organizations. OHCHR provided technical cooperation and advice on substantive or procedural elements of the draft organic law on transitional justice establishing the Truth and Dignity Commission, which was adopted on 15 December 2013. In June 2014, OHCHR co-organized with the Ministry of Justice, the Ministry of Human Rights and Transitional Justice, UNDP and the International Centre for Transitional Justice, a national conference on the truth-and-dignity experience. Chairpersons and members of truth commissions from countries around the world, including Guatemala, Kenya, Peru, Poland and South Africa, attended the conference and shared their own experiences. In coordination with relevant partners, OHCHR is building the capacity of members of the Truth and Justice Commission in order to assist them in their daily work. The Office is also organizing awareness and training events with the aim of strengthening the transitional justice national network.

D. Measures to improve access to justice and basic services

Senegal: strengthening gender equality by reviewing the nationality law

56. The OHCHR Regional Office for West Africa provided technical advice for the drafting of a new nationality code, based on recommendations of the Committee on the Elimination of Discrimination against Women, with a view to ending the differential treatment of men and women with regard to the transmission of nationality through marriage, childbirth and adoption.

57. In collaboration with the non-governmental organization, Association of Senegalese Women Jurists, OHCHR provided technical assistance for the harmonization of the Family Code with international human rights standards, which resulted in the drafting of a compendium of national laws to be harmonized, based on the recommendations of international human rights mechanisms.

Cambodia: strengthening a rule-of-law culture

58. Since 2012, OHCHR-Cambodia has been providing technical support to the Ministry of Justice in organizing a series of judicial round tables to create opportunities for staff of the Extraordinary Chambers in the Courts of Cambodia (ECCC) to share their experience with fellow judges, prosecutors and lawyers in the provinces. One of the topics discussed at every judicial round table has been pretrial detention. Those discussions led the Ministry of Justice to undertake reform of the pretrial detention process and align the practice of Cambodian national courts with that of ECCC by introducing the requirement that judges must provide detailed reasoning in decisions to detain. That was one of the most successful examples of transfer of good practice from ECCC to the domestic system so far.

59. In 2013, OHCHR launched the first-ever Cambodia-based course for lawyers on the right to a fair trial. The Fair Trial Rights Academy, organized at the Cambodian Lawyers Training Centre in cooperation with the Bar Association, is a three-month course featuring interactive activities, field trips and guest lectures by national and international experts on the Cambodian criminal justice system, including from ECCC, various Cambodian non-governmental organizations and OHCHR. The course is aimed at improving the knowledge of and commitment to fair trial rights of future lawyers; strengthening their relevant legal skills; integrating a new human rights and fair trial rights module into the Lawyers Training Centre programme; and enhancing networking between future lawyers and current practitioners. The Bar Association and OHCHR also continue to co-host the Legal Dialogues Series, an annual programme of interactive workshops which focus on strengthening the quality of legal services. Sessions are developed by the Bar Association, in cooperation with OHCHR, and facilitated by senior national and international ECCC defence and civil party lawyers.

60. In March 2014, to promote the jurisprudence legacy of ECCC, OHCHR launched the Annotated Cambodian Code of Criminal Procedure, which was published with support from the British Embassy in Phnom Penh and the United States Agency for International Development. The result of a three-year research project undertaken by several legal teams from around the world and coordinated by OHCHR-Cambodia, it is the first publication in recent Cambodian history annotating a law with relevant national and international jurisprudence. It constitutes an indispensable tool for legal practitioners and for anyone interested in knowing how the law is applied in practice.

61. The ECCC legacy activities are being developed and implemented largely to ensure the promotion of a culture of the rule of law and human rights, using ECCC as an example of best practice.

Philippines: strengthening housing, land and property rights in the context of natural disasters

62. In November 2013, following a request from the Government of the Philippines, the Inter-Agency Standing Committee issued a level 3 emergency declaration in support of the Philippine population in the aftermath of Typhoon Haiyan/Yolanda. As a member of the Committee, OHCHR deployed 10 human rights officers on a rotational basis. The OHCHR team co-led protection cluster hubs with UNHCR and contributed to the overall efforts of the humanitarian country team.

63. In coordination with the Philippine Department of Social Welfare and Development and the humanitarian country team, OHCHR supported the protection work of relevant national partners, including government agencies, the Commission on Human Rights of the Philippines (CHRP) and civil society organizations. In coordination with CHRP, OHCHR supported the organization of round-table discussions on housing, land and property rights in the context of displacement, and on issues relating to the administration of justice and detention in the context of natural disasters. Several local government authorities, including municipal and city mayors, as well as United Nations partners, non-governmental organizations and national and international emergency assistance teams, participated in those initiatives and contributed to an informed and inclusive national consultation on reconstruction measures in the context of natural disasters taking into consideration human rights aspects.

64. In coordination with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, OHCHR provided significant support for the drafting of the CHRP "Advisory on human rights standards on housing, land and property rights of populations affected by Typhoon Yolanda". The document served as an advocacy tool to guide relevant government efforts at both the national and local levels and support informed consultation of affected communities. It also helped to shape the rights-based common position paper issued by the humanitarian country team, which, together with the CHRP advisory and the outcomes of the round tables, contributed considerably to influencing policy review processes, including review of the policies on no-dwelling zones and no-build zones.

Lebanon: developing a code of conduct for the protection of migrant domestic workers

65. Since 2005, as part of its technical cooperation work to increase the compliance of laws with international human rights standards, the OHCHR Regional Office for the Middle East has been working closely with the Government of Lebanon, ILO and non-governmental organizations to alleviate the hardship experienced by domestic workers in Lebanon. A steering committee was set up to develop a national plan of action. One of the first major achievements of the committee was the drafting of a unified contract, which provided a common set of standards to protect domestic migrant workers. In close consultation with the Ministry of Labour, the Syndicate of Owners of Recruitment Agencies in Lebanon and Caritas Lebanon Migrant Centre, and in coordination with ILO, OHCHR supported the development of a code of conduct for recruiting agencies. Funded by the European Union and the Swiss Agency for Development and Cooperation, that key instrument for the protection of migrant domestic workers was launched in June 2013.

66. The code of conduct provides guidance to recruiting agencies on the rights of migrant domestic workers and includes self-accountability and disciplinary actions for agencies that violate it. It upholds the principles of transparency in business operations; provides comprehensive information about employment conditions in Lebanon and guidelines for the verification of workers' qualifications; and prohibits the placement of

underage persons. Its application through a rigorous implementation mechanism remains essential.

67. That initiative has inspired promising developments in Jordan, where the Government has established a steering committee, made up of the Ministry of Labour, the Ministry of the Interior, the Public Security Force, civil society, OHCHR and other international bodies, to prepare a road map for enhancing the protection of the human rights of migrant domestic workers.

Guatemala: strategic litigation and the Maya programme

68. The Maya programme was established in 2009 to empower indigenous Mayan, Xinca and Garifuna peoples, communities and organizations to achieve stronger negotiating power and participation in public life. It is implemented by OHCHR, UNDP and UNICEF and is overseen by a steering committee comprising representatives of the Ministry of Planning and Programming of the Presidency, OHCHR, UNDP and UNICEF. In the first phase of the programme (2009–2013), 18 indigenous organizations filed cases before administrative or judicial bodies on various issues, including rights relating to land, territory and natural resources, discrimination, access to justice, consultation, self-determined development and cultural rights. Five cases received favourable rulings, and three, for which national remedies have been exhausted, have been submitted to the Inter-American Commission on Human Rights. The remainder were at different stages in the legal process at the time of finalizing the present report.

69. While not always successful, OHCHR interventions, in collaboration with indigenous peoples' organizations, have led to positive outcomes, such as the establishment of a support network for organizations working on indigenous rights and an increased use of national and regional protection systems by those organizations. The Maya programme has also built up the capacity of judicial officials and promoted changes in the legal and political culture of judges as duty bearers, so that they hand down rulings in accordance with international law. A second phase of the project was initiated in 2014.

E. National systems, inclusive participation in decision-making and development and monitoring of public policies

Kenya: integrating human rights into the Medium-Term Development Plan

70. In 2012, the Government of Kenya shared with United Nations partners a concept note and a road map for the preparation of its second Medium-Term Plan for 2013-2017. The development of the second Medium-Term Plan followed the adoption of the 2010 Constitution, which put forward the long-term development goals of Kenya. The Constitution promotes a human rights-based approach in government planning processes, focusing on accountability, participation, the rule of law, transparency and sustainable development.

71. In the context of the "Delivering as One" programme, OHCHR contributed to the United Nations country team's support for the integration of human rights inputs into the second Medium-Term Plan. OHCHR provided inputs to the conceptualization process, supported the thematic working groups on "Governance, judiciary, security and rule of law" and "Gender, vulnerable groups and youth" and developed a policy brief on human rights and equity, highlighting challenges, drivers and opportunities for change through policy and programme interventions.

72. OHCHR also delivered specialized training on human rights for government economists and planners and the secretaries of the 19 sectoral working groups coordinated by the Ministry of Devolution and Planning.

73. OHCHR, the Ministry of Justice and the United Nations Resident Coordinator's office trained key departments on human rights indicators for the second Medium-Term Plan in the areas of health, education, housing, gender, vulnerable groups, governance and the rule of law.

74. With OHCHR support, the Government designated human rights focal points of the Kenya National Commission on Human Rights in all the sectoral working groups.

75. The Resident Coordinator's Annual Report 2013, published by the United Nations Development Group, cited the best practice of Kenya in the area of mainstreaming human rights in national development strategies, plans and processes.

Uganda: implementing a human rights vision of development

76. In 2013, the Government of Uganda launched Uganda Vision 2040, an overarching national planning framework which considers human rights a prerequisite for development. The Vision was developed by the National Planning Authority (NPA) in consultation with other national stakeholders and partners. OHCHR-Uganda contributed to the drafting process. According to the Vision, "Government shall ensure that the human rights-based approach to development is integrated in policies, legislation, plans and programs".[6]

77. NPA requested technical support from OHCHR for the effective integration of human rights into sector and district government development plans and, ultimately, into the second five-year National Development Plan.

78. In that context, OHCHR technical cooperation is being provided in partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and with funding from Norway. In May 2014, with the support of OHCHR and GIZ, NPA issued new planning guidelines with a human rights-based approach. In order to strengthen the integration of human rights into plans and to identify and refine indicators, OHCHR launched a strategic training programme targeting planning officers, chief administrative officers and community development and population officers from 66 districts and 16 thematic sectors. Training was so well received that NPA requested OHCHR to cover the remaining 46 districts, with UNDP funding.

79. In coordination with UNDP and other United Nations partners, OHCHR has continued to support inclusive consultative workshops at the regional level, enabling local government leaders to address their human rights priorities and concerns have them integrated into the second five-year National Development Plan.

80. The mainstreaming initiative led by NPA strengthened partnership and coordination between national institutions in Uganda, United Nations entities and international partners, such as GIZ, to work together on strengthening national capacities for efficient and quality planning.

Ecuador: human rights in development planning

81. In 2008, the report submitted by the Ecuador within the framework of the first cycle of the UPR clearly defined the inclusion of a human rights-based approach to planning as a priority area for international cooperation. In 2009, the National Secretariat for Planning

[6] Uganda Vision 2014, p. 108.

and Development (Secretaría Nacional de Planificación y Desarrollo) (SENPLADES) requested OHCHR support for the integration of human rights into national development planning processes and tools.

82. The Constitution of Ecuador states that planning and public policies formulated through participatory approaches are key processes for realizing human rights and promoting social equality cohesion and "good living" (*buen vivir*). The task of OHCHR was also facilitated by the Government's clear political will and by the work of a solid national planning entity with strong institutional and technical capacity.

83. The effective collaboration between OHCHR and SENPLADES between 2011 and 2013 produced a number of key results, including the Guidelines for the elaboration of sectoral public policy, the Guidelines for the integration of a human rights-based approach in the national development plan and the Atlas of socioeconomic inequalities.

84. The approach used to develop the Guidelines for the elaboration of sectoral public policy followed precise methodological steps, such as identifying specific duty bearers vis-à-vis human rights obligations; unpacking the relevant rights and analysing their dimensions, e.g. accessibility, affordability, availability, quality; and integrating the principles of participation, non-discrimination, transparency and accountability into the policy.

85. Those Guidelines, adopted in 2011 through a ministerial decree, which made their use compulsory, have succeeded in placing the human being at the centre of development planning. The gap between human rights standards and the actual living conditions of the people is viewed as a development challenge.

86. OHCHR and SENPLADES provided specialized training for 120 planning officials of the executive branch of government, which strengthened the capacity of key departments to work together in formulating public policies from a human rights perspective.

87. In 2011, OHCHR and SENPLADES assessed the level of integration of the human rights-based approach into a national development plan, namely the National Plan for Good Living, 2009–2013. Their work resulted in the preparation of Guidelines for the integration of a human rights-based approach in the national development plan, which provide instructions on how to integrate a human rights-based approach into the elaboration, implementation and evaluation of development strategies for targeting the next National Development Plan, for the period 2014–2017.

88. SENPLADES, together with OHCHR and 11 other United Nations entities, the Centro de Planificación y Estudio Social and the Universidad Andina Simón Bolívar, worked together to develop the Atlas of socioeconomic inequalities. The Atlas, which was launched in 2013, constitutes an innovative database that maps persistent gaps in the enjoyment of economic, social and cultural rights in Ecuador. It contains disaggregated information, including by ethnicity, sex, gender, age and region, and creates new social indicators to measure poverty from a multidimensional perspective.

89. The Atlas served as a baseline for the National Strategy for Poverty Eradication and informed the actualization of the National Development Plan for the period 2014–2017. It is expected to guide the formulation of targeted public policies in order to address inequalities.

90. The OHCHR framework on indicators is being used to increase the capacity of the National Development Secretariat and the managers of the National Information System to monitor and evaluate public policies from a human rights perspective.

State of Palestine: a rights-based framework for development

91. In 2011, the Ministry of Justice of the Palestinian National Authority approached OHCHR to request assistance in preparing an action plan that integrated a rights-based framework into national development. Following consultations with the Ministry of Justice and the Ministry of Planning and Administrative Development, it was decided to draw up a document setting out more effective and implementable guidance for the incorporation of human rights into the Palestinian National Development Plan, 2014–2016. The guidance document was prepared by both ministries with the support of OHCHR consultant experts.

92. A national consultation with the relevant government departments and a broad range of Palestinian stakeholders contributed to identifying priority intervention areas and rights-based targets. The guidance document on integrating human rights into Palestinian national development plans was approved and launched in January 2014 by the Ministry of Justice, the Ministry of Planning and Administrative Development and OHCHR, in a formal signing ceremony, thereby strengthening the Government's commitment to the recommendations contained in the document. The guidance document contains significant and far-reaching recommendations, as well as medium- and long-term objectives. Most of the recommendations were integrated into the Palestinian National Development Plan in February 2014, providing for an unprecedented level of integration of human rights in the four sectors of the Plan, namely, social development, economic development, infrastructure and governance.

93. OHCHR in the Occupied Palestinian Territories has been working closely with the Palestinian authorities, as well as with the Palestine Independent Commission for Human Rights and civil society to monitor the implementation of the Palestinian National Development Plan from a human rights perspective.

Serbia: developing a consultation methodology for Roma communities

94. In 2012, the Ombudsman, OHCHR, the Human Rights Adviser of the United Nations country team in Serbia and UNDP issued human rights indicators on education, housing, health protection, employment, re-admission and anti-discrimination to assess government programmes for Roma inclusion.

95. In 2013, OHCHR, in coordination with the City of Belgrade, the United Nations Office for Project Services, the Danish Refugee Council and the Serbian non-governmental organization, Housing Centre for Socially Vulnerable Groups, participated in the implementation of a Roma housing project funded by the European Union.

96. Furthermore, the Human Rights Adviser developed criteria for evaluating locations for Roma social housing in Belgrade, which set out the basic requirements for adequate housing, in line with international standards. The project was designed to address the basic housing needs of targeted Roma families through a human rights complaint process. The Human Rights Adviser has been working in close and constructive cooperation with the Government and municipal authorities, providing technical advice and building trust with all stakeholders.

97. The OHCHR contribution ensured the application throughout the implementation of the project of a human rights-based approach, including a gender dimension and the meaningful participation of all stakeholders concerned in the definition and adoption of decisions affecting their lives.

IV. Lessons learned, challenges and the way forward

98. The experiences documented in the present report bring to light several common aspects relating to the integration of human rights into national policies and programmes that have been developed with the technical support of OHCHR and which could inspire future requests for technical cooperation. The common aspects focus on the manner in which technical cooperation programmes have been designed and implemented, so as to promote national ownership; meaningful involvement of and cooperation between States and non-State actors; institutional building; effective coordination; and application of suitable methodologies. Those are all key components of sustainable technical cooperation programmes, as identified by the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

99. Experience has shown that it is essential that all relevant State entities and partners be involved from the onset, so as to foster knowledge, coordination, consensus and, fundamentally, ownership of priorities and strategies. The involvement of all relevant State entities as well as a holistic approach aimed at ensuring that adequate attention is paid to the interdependence and interrelatedness of all civil, political, economic, social and cultural rights are critical to achieving sustainable results and ensuring clear lines of responsibility throughout all the stages of the programme.

100. The meaningful involvement of and cooperation between State and civil society actors, with particular attention to the situation and representation of groups that are discriminated against and/or excluded, is key to ensuring the relevance of programmes as well as greater transparency, legitimacy and accountability.

101. The integration of human rights standards and recommendations from international human rights mechanisms into national policies and programmes requires effective coordination, an analytical framework and a harmonious methodological approach. The establishment of inclusive standing coordination and follow-up mechanisms has proven a useful tool in that regard. All national stakeholders, including civil society actors, play a critical role in both supporting implementation and providing specific thematic expertise to inform the development of sound national policies.